

BALTIMORE CITY HISTORIC PRESERVATION PROCEDURES

INTRODUCTION

COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION (CHAP)

Baltimore City's fascinating history has ~~shaped~~ ~~created~~ many unique neighborhoods and buildings. In 1964, recognizing the significance of these places, the City established the Commission for Historical and Architectural Preservation (*CHAP*) under Article 6 of the Baltimore City Code, whose mission is to enhance and promote the culture and economy of Baltimore through the preservation of buildings, structures, sites, and neighborhoods that have aesthetic, historic, and architectural value. The Commission's responsibilities have grown to include the following:

- Designating historic districts and landmarks,
- Reviewing plans for proposed alterations of designated resources,
- Offering technical assistance and research to the public,
- Administering the local historic preservation property tax credit program,
- Conserving outdoor sculpture and monuments,
- Coordinating with other City agencies on City-owned historic resources,
- Conducting historic resource surveys,
- Providing preservation-oriented recommendations for federal and state funded projects, and
- Integrating historic preservation recommendations into City planning activities.

Today, there are more than 33 local historic districts, 60 National Register historic districts, and nearly 200 local landmarks.

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

CHAPTER 1

CHAP RULES ~~AND REGULATIONS OF~~ ~~PROCEDURE~~

1.1 OVERVIEW

Article Six, Section 2-11 of the Baltimore City Code compels CHAP to adopt rules and regulations. The CHAP Rules of Procedure were adopted by the Commission on 1/26/2007. These rules of procedure were created to assist ~~CHAP the Baltimore City Commission for Historical and Architectural Preservation~~, its staff and other city agencies in the expedient conduct of all matters of interest and concern to the Commission.

~~1.2 OBJECTIVE~~

~~The Baltimore City Commission for Historical and Architectural Preservation endeavors to conduct all business according to law or custom to assure the preservation of present and future use of historic resources within Baltimore City's jurisdiction.~~

1.2 THE ROLE OF THE HISTORIC DISTRICT COMMISSION

Appointed by the Mayor and City Council, in accordance with State Law, the Commission for Historical and Architectural Preservation serves as a citizen review board on matters pertaining to Historic Preservation in Baltimore City. As set forth in Article 6 of the Baltimore City Code, the Commission for Historical and Architectural Preservation is both an advisory and decision making body. In its advisory capacity, the Commission for Historical and Architectural Preservation is required to make recommendations concerning the historic districting of properties, amendments to ordinances and other decisions concerning Historic Preservation in the City. In its decision making capacity, the Commission approves building permits issued within CHAP districts. In both capacities, the Commission may to solicit comments from other professionals.

1.3 DEFINITIONS

The word "Commission" shall refer to the Baltimore City Commission for Historical or Architectural Preservation.

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

1.4 MEMBERSHIP, OFFICERS AND COMMITTEES

1. The membership shall consist of thirteen members to be appointed by the Mayor. Each of the appointed shall serve a term of four years and is eligible to serve two full terms.
2. The Mayor shall appoint the Commission Chairman. The Commission shall annually elect a Vice- Chairman.
3. Any vacancies of office shall be filled by the next meeting or as soon as possible.
4. Any vacancies in the Commission shall be filled within sixty days, or as soon as possible.
5. The Chairman, or in his absence, the Vice-Chairman shall preside at all meetings or hearings of the Commission. In the absence of the Chairman and Vice-Chairman, the Commission may elect a temporary Chairman to preside over the particular meeting. The presiding officer shall decide on all points of order and procedure, subject to these rules, unless otherwise directed by a majority of the Commission members present.
6. Liaisons between the Commission and the Mayor's Office shall be invited to participate in Commission meetings.
7. ~~Special~~ Committees may be appointed for special purposes or study.

1.5 MEETINGS

1. Regular meetings shall be held *on the second Tuesday of each month* ~~[DATE-TO-BE DETERMINED]~~. Regular meetings shall be held in the Phoebe Stanton Conference Room, Department of Planning, 8th Floor, 417 E. Fayette Street. Regular meetings shall be held at a time chosen in the beginning of each year by the Commissioners. Staff shall give Commissioners ample notice of any changes in the meeting schedules.
2. Special meetings may be called by the Chairman or, in his absence, the Vice Chairman. Ample notice of such meetings shall be given to each member by *email* ~~mail or phone~~. This applies to all site meetings, but does not apply to meetings requiring public notice.
3. Notice of meetings will be posted in the public domain as outlined in Baltimore City Code Article 1, 40.(q)(4) *and Article 6*.
4. Attendance – It shall be the duty of each member to attend all meetings. Should any member be absent from one-half or more of all meetings held during the year, or misses three consecutive regular meetings without acceptable justification to the Commission, the Commission shall recommend to the Mayor's Office that the member's resignation be requested, unless determined by vote of a majority of Commission members that there is a sufficient excuse for non-attendance. It shall be the responsibility of each member who cannot attend a meeting to so notify the staff.

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

5. All Commission Hearings shall be public meetings. Any person is entitled to appear and be heard by the Commissioners before it reaches a decision on *relevant matters before the Commission* ~~any matter~~. The voting on such decisions shall be held during a public meeting and the Commission shall keep open record of its resolutions, proceedings and actions which shall be available for public inspection during business hours. Nothing contained herein shall be construed to prevent the Commission from holding executive sessions from which the public can be excluded but no ordinance, resolution, or regulation shall be finally acted upon at such an executive session. All Commission Hearings follow Robert's Rules of Order.
6. It shall be the duty of the Commission's staff to *maintain the records and minutes of all meetings of the Commission. Among other matters, such records and minutes shall specifically reflect attendance by Commissioners and the action taken on all matters before the Commission. A copy of the meeting minutes shall be filed with the Department of Legislative reference.* ~~keep an accurate and true record of all proceedings at all meetings and public hearings. The minutes be transcribed from recordings of the actual meetings and distributed to Commissioners and if approved by the commissioners to be placed on record and stored on file at the Commission's office and the Department of Legislative Reference.~~
7. Any Applicant or Petitioner may appear on his/her behalf or be represented by an agent or attorney at said meeting. In the absence of any personal appearance on behalf of the Applicant or Petitioner, the Commission will proceed to dispose of the matter on the record before it, or may table the item. The presiding officer retains the right to excuse anyone from public meetings that vocalizes vial language, insults or unfounded accusations towards the Commissioners, staff or other interested parties.
8. The Commission may postpone or continue any case due to lack of quorum, or for further study and information until the next regular meeting.
9. The Commission may require any additional material in the form of maps, charts, reports, and studies, in order to reach a decision. In addition, the Commissioners may postpone a decision and request a site visit.

1.6 VOTING

1. ~~Four~~ *Seven* members shall constitute a quorum for the transaction of business, and action may be taken only upon the affirmative vote of at least four Commissioners. No decision shall be made in the absence of a quorum.
2. The order or business shall be in accord with the agenda.
3. If there is a tie vote between the Commissioners, the Chairman or Presiding Officer may vote to break the tie. In any case, a tie vote by the Commissioners shall be interpreted as a defeat of the motion.

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

4. No member shall vote on a matter in which he/she has personal involvement. Members are encouraged to consult the Baltimore City Ethics Committee as to the propriety of their voting on any matter which may involve a conflict of interest.
5. Commissioner's votes shall be recorded on each motion as one of the three: Yes, No, or abstention.

1.7 CONDUCT OF COMMISSION MEMBERS

1. No Commissioner shall speak on behalf of the Commission unless authorized by the Commission. In any public or private statement concerning Commission affairs, members will carefully indicate whether they are speaking for the Commission or for themselves.
2. Conduct at meetings – Members shall conduct themselves at Commission meetings in a fair, understanding manner. They shall seek to be considerate of all individuals, attitudes and differences of opinion involved in official Commission Business.
3. Members shall comply *with* ~~to~~ the Baltimore City ethics law as stated in Article 8 of the Baltimore City Code.

1.8 PROCEDURE IN BRINGING MATTERS BEFORE THE COMMISSION

1. Staff is authorized by the Commission to review proposed work from applicants and issues permits to proceed when such work clearly meets CHAP's Historic Preservation Guidelines. Major rehabilitation, *significant* new construction, and *substantial* demolition, and any matters where an Applicant does not agree with staff decisions shall be heard by the Commission at a Public Hearing.
2. The agenda shall be prepared by the staff, in consultation with the Chairman. Members of the Commission who wish to add to the agenda shall first notify the Chairman of their request prior to the meeting. *Items scheduled for the consent agenda may include items previously reviewed by the Commission, that are consistent with the previous actions of the Commission, or items that do not impact properties under CHAP's review authority.* Unscheduled items not requiring public notice may be added to the agenda during the meeting only after unanimous vote of the members present. Agenda items once acted upon shall not be rescheduled unless new substantive information is presented.
3. Any person aggrieved by any decision of the Commission, may, within thirty days after the Commissioner of Housing and Community Development has approved, or delayed an application for a permit as provided for hereunder, appeal to the Baltimore City Circuit Court. The Court shall hear all pertinent evidence and shall affirm said decision, unless it finds the basis of such decision to be unwarranted by the evidence or insufficient in law, or shall make such other decree as justice may require. Any

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

final decree of the Baltimore City Court in any such case shall be appealable to the Court of Appeals in the manner provided by law and rule of court.

1.9 PROCEDURE FOR ALTERING STRUCTURE IN A PRESERVATION DISTRICT OR ON A LIST

All Commission Actions shall be consistent with Article 6 of the Baltimore City Code.

1.10 DELEGATION OF AUTHORITY

The Commission may delegate, with legal restrictions, some of its authority to the Chairman in order to expeditiously and efficiently perform the work of the Commission.

1.11 AMENDMENTS

Amendments to these rules of procedure may be introduced at any meeting of the Commission and voted at any subsequent regular meeting, passage requiring majority vote of the Commissioners. *Any amendments made to the Historic Preservation Design Guidelines require review at a minimum of two (2) hearings, unless there is a consensus among all Commissioners present to act on the item at the first hearing.* All Commissioners shall be notified by *email* ~~mail or telephone~~ in ample time in advance of voting on amendments.

1.12 VARIANCE

Upon agreement of the members present at a regular meeting, these procedures may be modified for extenuating circumstances.

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

Chapter 2

DESIGNATIONS OF DISTRICTS AND LANDMARKS

2.1 BACKGROUND

Article 6 of the Baltimore City Code authorizes the Commission for Historical and Architectural Preservation (CHAP) to designate historic properties and to review alterations to these properties. Baltimore has three sets of historic resource designations:

Historical and Architectural Preservation Districts, also known as local historic districts and CHAP districts, are neighborhoods of particular historical significance and architectural character. Baltimore has more than thirty designated Historical and Architectural Preservation Districts *that have been designated by a City Council Ordinance*. Some of these are also National Register historic districts. The National Register designation, however, is a separate state and federal designation program. National Register historic districts that are not also Historical and Architectural Preservation Districts are not subject to CHAP review.

The Landmark Lists identify individual historically significant structures, including both exteriors and public interiors, *which have been designated by a City Council Ordinance*. Structures on the Landmarks Lists, known as Baltimore City Landmarks, may or may not be within a local historic district.

~~**The Special Lists** identify historically significant structures, including both exteriors and public interiors, for which limited historical review and protection is authorized.~~

The Potential Landmark Lists identify individual historically significant structures, including both exteriors and public interiors, which the Commission has determined eligible for the Landmark list, but have not been designated by City Council Ordinance. Properties on the Potential Landmark List are provided with an immediate, but limited timeframe for protection.

The Inventory of Historic Places is a non-regulatory list that identifies historically and architecturally noteworthy buildings and serves as a research, documentation and planning tool.

These procedures provide information on designation and review processes. These do not inform applicants about other City processes such as zoning, urban renewal plans, and Planned Unit Developments (PUDs). Property owners are strongly encouraged to consult with staff during the initial planning stages of a project both with respect to review

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

procedures and appropriate treatments. Property owners should also consult the Historic Preservation Design Guidelines, which will be used in evaluating projects.

2.2 CRITERIA FOR DESIGNATING DISTRICTS AND LANDMARKS

In making recommendations *to the Mayor and City Council* for new districts, landmarks, and interior landmarks, the Commission for Historical and Architectural Preservation will *apply consider* the following criteria. ~~The criteria will be applied~~ in relation to the procedures for historic district and landmark designation outlined in this document. ~~In reaching its decisions on designation, the Commission shall clearly state which criteria have been met.~~

CRITERIA FOR EVALUATION

The quality of significance in Baltimore history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, public interiors, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of Baltimore history; or
2. That are associated with the lives of persons significant in Baltimore's past; or
3. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. That have yielded or may be likely to yield information important in Baltimore prehistory or history.

The above criteria mirror the National Register Criteria for Evaluation, which were developed by the National Park Service to determine historic significance in American history and culture. ~~CHAP's criteria will determine historic significance in Baltimore history and culture.~~

2.3 DESIGNATING A HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT

The Mayor and City Council designate Historical and Architectural Preservation Districts by ordinance upon the review and recommendation of CHAP and the Planning Commission. The ~~following~~ three-step process for designating a Historical and Architectural Preservation District is outlined below.

STEP 1: HISTORICAL ASSESSMENT AND PROPERTY OWNER SURVEY

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

1. As a result of either community meetings or neighborhood plans, community leaders and CHAP staff shall identify historic resources and boundaries of a potential Historical and Architectural Preservation District based upon the criteria for evaluation (see 2.2).
2. The nominating party should consult with the neighborhood association and the City Council representative for the proposed district and send ~~in-writing~~ a *written* request for local designation to the CHAP chairman with copies to the Mayor and City Council representative.
3. All property owners within the identified area will be notified by mail. The mailing will ask property owners to express their support or opposition to local district designation.
4. *CHAP* staff shall also notify the community by posting appropriate signage within the area and providing information *to* neighborhood *associations. newsletters, websites, email, etc.*

STEP 2: ANALYSIS

- *CHAP* staff will present a report *and recommendations* to the full Commission at a public hearing, analyzing the *following*:
 - 1) *Results of the mailing to all property owners; and*
 - 2) ~~along with~~ *Proposed boundaries supported by finding of fact and that comply with the requirements for Local Government Certification under the National Historic Preservation Act, and the Secretary of the Interior's Standards for Identification and Registration, and the Commission's own Historic Preservation Procedures and Guidelines; and,*
 - 3) *A recommendation as to whether the proposed district meets the criteria for evaluation (listed under Section 2.2 of this chapter), siting any criteria met.*
~~Staff recommendations to the full Commission at a public hearing.~~
- The Commission shall determine whether the request for historic district designation is ready for formal consideration at a public hearing.
- If the Commission determines that the request is ready for consideration, a second mailing shall be sent to property owners, which will inform them of the public hearing when the historic district designation will formally be considered.
- If the Commission decides the request for designation or proposed boundaries are not ready, it may require further actions before scheduling a subsequent public hearing.
- *CHAP* staff shall also notify the community by posting appropriate signage within the area and providing information *to* neighborhood *associations. newsletters, websites, email, etc.*

STEP 3: DESIGNATION

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

- A public hearing will be held to consider the proposed historic district designation within thirty (30) days of the *second* mailing referred to above. Members of the public may provide testimony on the proposed designation at the public hearing. The Commission shall vote whether or not to approve the request for designation *which will include a full and proper study with findings of fact that the proposed district and boundaries comply with requirements of local Government Certification under the National Historic Preservation Act, the Secretary of the Interior's Standards for Identification and Registration, and CHAP's own criteria for designation (section 2.2 of this chapter).* ~~based upon the criteria for evaluation.~~
- If the Commission approves the designation, the request shall be forwarded to the Planning Commission within thirty (30) days.
- *CHAP staff will work with the Mayor and City Council to prepare a proposed ordinance that sets forth the boundary lines of the area being proposed and includes findings of fact.*
- *The proposed designation will follow the procedures of City Council Ordinance process.*
 - ~~If the Planning Commission does not recommend the local historic district designation, the designation process ends.~~
 - ~~If the Planning Commission recommends the designation, an ordinance shall be introduced into City Council, designating the historic district and setting forth its boundaries.~~
 - ~~The Ordinance shall be referred to the City Council's Urban Affairs Committee for consideration.~~
 - ~~Following its public hearing, the Urban Affairs Committee shall report its recommendation to City Council and the Ordinance shall follow their review process.~~
 - ~~Thirty (30) days after the Mayor signs the Ordinance into law, the area will become a Historical and Architectural Preservation District.~~

2.4 DESIGNATING BALTIMORE CITY LANDMARKS AND PUBLIC INTERIOR LANDMARKS

Baltimore exterior and public interior landmarks include properties which have been determined to be of such *special* historical or architectural significance that they are accorded the same consideration and protection as structures within a Historical and Architectural Preservation District. As with local historic districts, the Mayor and City Council designate structures and interior public spaces to these lists by ordinance. Only interior spaces that are accessible to the public such as hotel lobbies, theaters, civic buildings, among others can be considered for Landmark List: Public Interiors. ~~Landmark designation also provides the opportunity for property owners to receive an historic interpretive marker. The Commission will help provide the text, graphics, layout, production, and financial assistance when available.~~ The procedure for adding properties to both lists is outlined below.

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

1. The Commission, a property owner, or member of the public may request that a property or interior public space be added to one or both of the landmark lists.
 - a. For Commission initiated requests, documentation supporting the request shall be prepared and a hearing date shall be scheduled.
 - b. Property owners or members of the public must submit letters of request to the Chairman of the Commission with copies provided to the Mayor and the City Council representative in whose district the proposed landmark is located.
2. Documentation supporting a request for landmark designation *may be required to* ~~shall~~ demonstrate how the proposed landmark meets the criteria for evaluation. Staff is available to consult on the form and content of the required documentation.
 - a. For property owner or public initiated requests, the applicant shall prepare documentation supporting the request for review by staff.
3. A hearing date shall be scheduled within ninety (90) days of a determination that the required documentation is complete.
4. Upon scheduling a hearing for either landmark list:
 - ~~a.~~ Notification shall be sent no later than thirty (30) days prior to the public hearing to the owner of record as identified in the Real Property File of the Maryland Department of Assessments and Taxation. ~~The notification is to be sent by certified and regular mail;~~
 - b. The proposal for landmark designation shall be posted on the *CHAP* ~~Department of Planning~~ webpage no less than ten (10) days prior to any public hearing scheduled in association with the request;
 - c. *Interested parties shall be notified in writing, either by email or mail.* ~~Notification shall be sent to interested parties by first-class mail.~~ Interested parties may include but are not limited to:
 - The City Council representative for the district where the property is located,
 - Neighborhood Associations, as identified in the Department of Planning Community Association Database, within the neighborhood(s) of the proposed landmark,
 - Baltimore AIA Chapter,
 - Baltimore City historic preservation organizations, and
 - Other interested parties as identified by the Community Planner for the planning district within which the proposed landmark is located.
 - d. A sign shall be posted on the structure giving notice of the time and place of the public hearing. All reasonable efforts will be made to obtain the approval of the owner of a property prior to performing the required posting.
- ~~5.~~ The request for designation, supporting materials, and a staff report shall be presented at a public hearing at which members of the public may *testify* ~~provide testimony~~. The Commission shall *apply the criteria for evaluation (Section 2.2 of this chapter)* when

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

~~determining whether or not to approve the request for designation. determine whether or not to approve the request for designation based upon the criteria for evaluation.~~

- a. For Public Interior Landmarks, staff reports will specify those interior features that are to be considered for designation.
6. A public hearing shall be held to consider the proposed landmark within ninety (90) days of determining that the request for designation is complete.
7. If approval is granted at the public hearing noted above, the request shall be forwarded to the Planning Commission within thirty (30) days.
 - a. Upon Planning Commission recommendation of the designation, a proposed ordinance may be introduced into City Council, designating the structure to a Landmark List.
 - ~~b. The Ordinance shall be referred to the City Council's Urban Affairs Committee for consideration. Signs shall be posted on the property giving notice of the date of a public hearing of the Urban Affairs Committee on the proposed listing and designation.~~
 - ~~c. Following the public hearing, the Urban Affairs Committee shall report its recommendation to City Council and the Ordinance shall follow the City Council review process.~~
 - ~~d. Thirty (30) days after the Mayor signs the Ordinance into law, the property shall be added to either or both of the Landmark Lists.~~

~~SPECIAL LIST DESIGNATION~~

~~2.5 DESIGNATING BALTIMORE CITY POTENTIAL LANDMARKS AND POTENTIAL PUBLIC INTERIOR LANDMARKS~~

~~The Potential Landmark List provides an immediate but temporary protection for historically significant properties. Notably, the protections of the Potential Landmark List begin as soon as the notice for the CHAP Hearing has been posted, which means that the property is subject to CHAP review immediately after posting. If the property is designated to the Potential Landmark List, the timeframe of the protections are limited:~~

- ~~1. 180 days after the Commission's decision to add the structure to that List, unless, before that date, a proposed ordinance is introduced into the City Council to add the structure to the Landmark List: Exteriors or the Landmark List: Public Interiors, respectively; or~~
- ~~2. If a proposed Landmark ordinance is introduced into the City Council before that 180th day but has not yet been enacted, 18 months from the date of the proposed ordinance's introduction.~~

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

If a property is designated to the Landmark List, then it will continue to receive the full protection of the CHAP Ordinance. If the property is not added to the Landmark List it cannot be nominated for the Potential Landmark List or Landmark List until:

- 3. Two (2) years from the date on which the previous proposal failed or the designation expired, as the case may be;*
- 4. The election and start of a new 4-year term of office for the members of the City Council; or*
- 5. The City Council's passage of a simple resolution requesting or authorizing the Commission to do so.*

The Procedures to place a property on the Potential Landmark List are as follows:

- 1. The Commission's Chair or the Executive Director must give notice of a public hearing to add a structure to the Potential Landmark List to be held by CHAP by causing a sign to be conspicuously posted on the property, and first-class mail to each person how appears on the tax records of the city as an owner of the property.*
- 2. Notice must be given no sooner than 30 days from the time the sign is posted and, except as agreed to by the owner of the subject property, no later than 60 days from the time the sign is posted.*
- 3. At the CHAP hearing, the public may testify. In rendering its decision, CHAP will apply the criteria for designation (section 2.2 of this chapter).*

2.6 PROCESS FOR THE INCLUSION OF PROPERTIES ON THE BALTIMORE CITY INVENTORY OF HISTORIC PLACES

The Inventory of Historic Places is a non-regulatory list that is created and maintained by the Executive Director of CHAP for the purposes of research, documentation and planning. Properties on the Inventory are not subject to review by CHAP through the Authorization to Proceed Process. The following documentation must be provided to the CHAP Executive Director for a property to be included on the Inventory of Historic Places:

- 1. A current photograph of the property;*
- 2. A Map providing the location of the property; and*
- 3. A summary of the historic significance of the property. If the property is listed on another historic inventory or register, that documentation must be provided.*

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

Chapter 3

REVIEW PROCEDURES FOR DISTRICTS, LANDMARKS, AND ~~SPECIAL LIST~~ *POTENTIAL LANDMARK* PROPERTIES

3.1 BUILDING PERMITS AND OTHER REGULATIONS

CHAP reviews applications in conjunction with the building permit process of the Permits Section of the Department of Housing and Community Development (HCD). If a building permit application is filed prior to historic design review, the application is placed on hold pending completion of the *CHAP* review process. The review process is completed by issuing an *Authorization Notice* to Proceed.

The historic design review process is in addition to other applicable laws and regulations and does *not* diminish the force of urban renewal plans, building codes, zoning codes, etc. It is the applicant's responsibility to ~~contact all appropriate City agencies and~~ comply with all applicable laws, regulations, and codes.

3.2 CRITERIA FOR REVIEW AND APPROVAL

Proposed projects are reviewed prior to issuing a building permit. Applicants must comply with the Baltimore City Historic Preservation Design Guidelines in planning and executing their projects. Design review considers the proposed work, taking into consideration the historical and architectural character of the structure and of the immediate area. Applicants will need to clearly explain how their project complies with the ~~recommendations of the~~ Design Guidelines.

3.3 REVIEW PROCEDURES FOR MINOR PROJECTS

In order to expedite the application process, the Commission has delegated review authority to the Executive Director for cases involving minor work. Minor projects must not significantly change the overall appearance or remove *significant* undamaged historic fabric. **All minor work must clearly meet the Design Guidelines.** Examples of minor work include:

- Removal of insignificant or incompatible minor alterations;
- Roof, cornice, gutter, or downspout *repair* work ~~easily seen by the public~~;

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

- Construction of insignificant or clearly compatible minor additions or alterations;
- Window replacements that meet the following requirements:
 - On elevations easily seen by the public, window replacements that duplicate the proportion, profile, light configuration, material, and overall appearance of the historic windows;
 - On elevations not easily seen by the public, window replacements that are appropriate in general appearance to the historic windows.
- ~~Door replacements that meet the following requirements:~~
 - ~~—On elevations easily seen by the public, door replacements that are compatible with historic doors;~~
 - ~~—On elevations not easily seen by the public, door replacements that are appropriate in general appearance to the historic doors.~~
- New window or door openings on elevations not easily seen by the public;
- Removal of non-historic window or door openings and installation of appropriate infill;
- Installation of appropriate siding materials, rear decks, roof decks not obtrusive as easily seen by the public, roofing, skylights, air conditioning equipment that is suitably screened or unobtrusive, inconspicuous plumbing and exhaust vents, antennas and satellite dishes, front and rear yard fences, retaining walls, and awnings and canopies; *or*
- New signs appropriate in design, scale, and placement, and consistent with the character of the building and historic district.; ~~and~~
- ~~Unenclosed sidewalk cafes consisting of movable components.~~

The review procedures for minor projects are outlined below:

- The applicant shall submit ~~an Notice to Proceed~~ Application *for Authorization to Proceed to CHAP staff, who* will review the application *for completeness and compliance with the Baltimore City Historic Preservation Design Guidelines. for minor projects within a local historic district or for properties listed on one of the Landmark Lists.*
- ~~If the submission is complete including neighborhood comments, staff will review the application.~~
- *CHAP staff will forward applications to the neighborhood association for their comment. Neighborhood associations shall have the opportunity to provide comments within fifteen (15) days of receiving a copy of the completed application. At the discretion of the CHAP Executive Director, an Authorization to Proceed may be issued prior to receipt of the comments from the neighborhood association for minor projects that clearly meet the Historic Preservation Design Guidelines. (excluding neighborhood comments) by the applicant or staff. The applicant may provide written documentation that the Neighborhood Association has received a completed application.*

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

- ~~Within fifteen (15) days of written confirmation that the Neighborhood Association has been contacted or of receiving neighborhood comments, staff will review the Authorization Notice to Proceed Application, including any Neighborhood Association comments.~~
- Projects involving Baltimore City Landmarks or *Preliminary Landmarks properties on the special list* that are not within a Historical and Architectural Preservation District do not require neighborhood association review.
- Upon review by *CHAP* staff, the applicants *will shall* be notified of a decision of approval or disapproval.
 - Approved applicants shall be issued an *Authorization Notice* to Proceed, which shall be forwarded to the Permits Section. The Permits Section may then issue the building permit to the applicant upon payment of fees. A copy of the *Authorization Notice* to Proceed *will shall* be sent to the neighborhood association.
 - When applications are not approved, applicants may meet with staff to discuss alternatives that are in compliance with the Design Guidelines. The applicant may appeal a staff decision by continuing through the procedures outlined in Section 3.4 Review Procedures for Major Projects.

Flow Chart, Minor Work (separate graphic to be added)

3.4 REVIEW PROCEDURES FOR MAJOR PROJECTS

Major projects may change the overall character, appearance, and integrity of the structure. Substantial building alterations, demolitions, additions, and new construction are considered major projects and are reviewed at a public hearing. Interested parties *should submit a request for a Pre-Development Meeting in the Planning Department to begin the review process may make an appointment to review an application in the CHAP office.* Examples of major work include the following:

1. Construction of additions that significantly change the massing, or scale, or appearance of a structure;
2. Removal of significant architectural features; and
3. Significant changes to the primary shape, roof form, window and door patterns, and exterior materials.

The procedures for reviewing major projects are outlined below:

1. The applicant ~~is encouraged to attend a~~ *must submit a request to have a Pre-Development Meeting in the Planning Department to pre-application* review meeting with staff to discuss the proposed project, review process, and submission requirements before submitting a formal application.
2. The applicant ~~shall must~~ submit ~~two the Application for Authorization Notices~~ to Proceed ~~applications~~ with *relevant* supporting information ~~(see below).~~

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

3. Staff ~~will shall~~ determine if the *Application for Authorization Notice* to Proceed ~~Application~~ and supporting information is complete (~~excluding neighborhood comments~~), and if not staff will notify the applicant and advise them of requirements to complete the application.
4. *CHAP staff will provide the neighborhood association with a copy of the application and supporting material for their review. The neighborhood association may take up to twenty (20) days to review and comment upon a major project. The neighborhood association may request additional time in reviewing a specific project where a scheduling conflict prevents the review of a project during the 20-day timeframe. One copy of the Notice to Proceed Application and supporting material shall be provided to the Neighborhood Association by the applicant or staff.* Baltimore City Landmarks or properties on the *Preliminary Landmark List Special List* that are not within a Historical and Architectural Preservation District do not require neighborhood association comments; *nevertheless, staff will notify interested neighborhood and preservation organizations of the hearing.*
5. ~~The neighborhood association shall be provided the opportunity to review the project. The neighborhood association may meet with the applicant and provide written comments.~~
6. *CHAP staff will provide the neighborhood association with updated information and will notify the neighborhood association of additional hearings on a project. Applicants are encouraged to engage the neighborhood association throughout the process so they are up to date on the details of the project.*
7. ~~The neighborhood association shall be provided with a maximum of forty five (45) days after receipt of the completed application (excluding neighborhood comments) to provide written comments to CHAP after which time the applicant will be scheduled for a public hearing.~~
8. ~~Twenty (20)~~ *Three (3)* hard copies of the application and supporting material, *as well as an electronic version of all materials*, must be submitted *to the CHAP Staff* at least twenty-five (25) days prior to the public hearing date. If the application is complete, the project shall be scheduled for a public hearing
9. A sign shall be posted on the property noting the date of the public hearing and the nature of the proposed change no sooner than twenty (20) days or no later than ten (10) days prior to the date of the hearing.
10. At the public hearing, staff shall present recommendations with respect to the project. In addition, the applicant may make a presentation, and other interested parties, including neighborhood associations, shall have the opportunity to provide public testimony.
11. The Commission shall render a decision on the application at a public hearing.
 - a. If approved, *an Authorization Notice* to Proceed incorporating any conditions or other requirements made by the Commission shall be forwarded to the Permits Section of HCD to be included in the building permit process. A copy

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

of the ~~Authorization Notice~~ to Proceed will be sent to the neighborhood association.

- b. If disapproved, the applicant may consult with staff to amend application for review at a subsequent public hearing.
12. Persons aggrieved by a decision of the Commission may seek judicial and appellate review in accordance with the Baltimore City Code.

SUBMITTAL AND PRESENTATION REQUIREMENTS FOR MAJOR PROJECTS

Applicants of major projects seeking concept approval are required to provide the following information:

1. Photographs of current conditions on all sides of the property including neighborhood properties.
2. Historic photographs and images.
3. Professional quality architectural drawings including:
 - a. Vicinity Plan indicating the location of the subject property within the historic district, when applicable, or within the surrounding neighborhood in case of a landmark.
 - b. Site Plan at no less than the scale of 1"=40' with clear indications of existing construction and any construction proposed to be added or removed.
 - c. Exterior elevation drawings and roof plans showing all sides of existing and proposed construction at no less than 1/8"=1' scale. Use color to depict the existing and proposed appearance with existing and proposed materials clearly noted. In the case of buildings within historic districts, elevations shall include adjacent structures on neighboring properties.
4. For new construction and substantial additions, a massing model at no less than 1"=20' scale illustrating the relationship between existing and proposed.

Applicants that are seeking final approval from CHAP must provide the following:

1. Updated vicinity plan, site plan, elevations, roof plan, and, if required, a scale model.
2. Physical samples and manufacturer's data indicating color and texture of proposed exterior materials and systems.

WHAT TO EXPECT DURING A PUBLIC HEARING

Public meetings begin at the advertised time and follow the procedures listed below for each project and agenda item. The dates of public hearings are determined at the beginning of each calendar year and may be found on the City website or by calling the office. Meetings are held on a monthly basis, though special meetings may be scheduled. Staff will inform applicants of the date for their public hearing at least fifteen (15) days prior to the hearing.

PUBLIC HEARING PROCESS

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

1. Staff presents background information, findings, and recommendations based upon the guidelines
2. The applicant has the opportunity to present and explain how the project complies with the Design Guidelines.
3. Commissioners may ask questions of the applicant.
4. Public testimony is given, and speakers will be advised in advance of time limits that will be uniformly applied.
5. Commissioners may ask questions of those giving public testimony.
6. A Commissioner makes a motion.
 - a. Motions are framed within the context of Article 6 of the Baltimore City Code and the Design Guidelines.
 - b. All motions should include a finding of fact and reasons why an application is being approved or disapproved.
7. A vote is taken on the motion. The final outcome and vote is reported by the Chair of the Commission.
8. Applicant will be notified by ~~email mail~~ regarding next steps and confirming the Commission's action on the application.
9. Staff will issue an ~~Authorization Notice~~ to Proceed to the applicant when the Commission gives final approval of the project.

After an ~~Authorization Notice~~ to Proceed is issued, the applicant may obtain a building permit.

Flow Chart, Major Work (separate graphic to be added)

3.5 REVIEW PROCEDURES FOR CITY-OWNED STRUCTURES

Plans for the reconstruction, alteration, or demolition of any structure which is owned by the Mayor and City Council of Baltimore, shall, prior to City action approving or otherwise authorizing the use of such plans, be referred by the agency having responsibility for the preparation of such plans to the Commission for a report. Such report shall be submitted to the Mayor and to the requesting agency within forty-five (45) days after such referral. If the Commission shall not have made its report to the Mayor within said 45-day period, the Mayor may deem that the Commission does not object to the authorization of such plans.

City-owned structures include any property that is owned by the Mayor and City Council of Baltimore; and either:

- 1. has been or is being used for a municipal function, including offices and other work places, schools, fire stations, police stations, monuments, water and waste water facilities, and the like;*

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

2. *has been or is being aggregated by or for the City for redevelopment under authority of a Master Plan or Urban Renewal Plan; or*
3. *meets any other criteria adopted by Commission rule or regulation for structures requiring review.*

Plans, along with an Application for Authorization to Proceed, shall be submitted by the City Agency which owns the building, or by any lessee of a City-Owned structure, to the CHAP staff for review. Project review procedure will follow Section 3.3 or Section 3.4 of this chapter, depending upon the nature and scale of the project.

3.6 DEMOLITION

The demolition of historic structures within a Historical and Architectural Preservation District or of structures listed on either of the Landmark Lists or *Preliminary Landmark List* ~~Special Lists~~ should be avoided. However, unusual circumstances may require the consideration of a proposed demolition. The following criteria and procedures apply to demolition applications.

DEMOLITION HEARING ONE-DETERMINATION OF ARCHITECTURAL SIGNIFICANCE

The first step in the demolition review process is a public hearing to determine if the building contributes to a local historic district or continues to meet standards for designation as a local landmark. At this hearing staff shall present the following:

1. The historical or architectural significance of the property;
2. The history of all structures on the property including the approximate dates of additions and significant alterations;
3. A determination of the historical and architectural significance of a structure's additions, significant alterations, or ancillary buildings; and
4. Application of criteria for designation (see 2.1) to the structure in question.

A determination regarding the significance of the structure will be made prior to considering details of the demolition and hardship application, and any projects for new construction on the site. Doing so allows the Commission to determine the importance of the structure solely upon architectural and historical criteria. If a structure does not meet the criteria or contribute to the historic character of a local district, then *an Authorization Notice* to Proceed for demolition shall be issued.

DEMOLITION HEARING TWO- DETERMINATION OF SUBSTANTIAL HARDSHIP

If a structure is determined to contribute to a local district or meets landmark criteria, staff shall schedule a second public hearing. At this hearing, the Commission will review a

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

completed ~~Application for Authorization Notice~~ to Proceed ~~Application~~ for demolition. In addition, the applicant must provide the information requested in the ~~hardship and Demolition Application Requirements~~. This additional information is required to determine whether demolition is necessary to avoid a substantial hardship” and whether denial of a demolition permit would result in “no reasonable beneficial use” of the historic structure.

The Commission will also determine whether demolition will constitute a “substantial detriment to the public welfare” and demolition will be “without substantial derogation to the intents and purposes of Article 6 of the Baltimore City Code.” In making their finding, the Commission may consider the following, among other case specific factors:

1. The historic and architectural value and significance, architectural style, general design, arrangement, texture, material, and color of the structure and the immediate neighborhood;
2. The location and visibility of the structure to be demolished;
3. The structural stability, hazardous conditions, health and public safety issues, and code enforcement history; and
4. Previous Commission actions regarding the structure.

An ~~Authorization Notice~~ to Proceed for demolition may only be issued if a property has been determined noncontributing to a local district or the Commission determines that a demolition of a contributing structure meets the following requirements of the ordinance:

1. The demolition will be without substantial detriment to the public welfare;
2. The demolition will be without substantial derogation from the intents and purposes to the CHAP ordinance; and
3. The denial of a demolition permit will result in substantial hardship to the applicant.

At the conclusion of the second hearing, the Commission decides upon the demolition application. If it is determined that all three of these factors have been met, they may approve the demolition.

DEMOLITION HEARING THREE- REVIEW OF PROPOSED NEW CONSTRUCTION

A third public hearing may then be scheduled to review plans for any replacement structure. Unless the existing structure is determined to be detrimental to the public safety and welfare, the ~~Authorization Notice~~ to Proceed approving demolition shall not be issued until the replacement design is approved ~~and evidence of project financing is in place~~.

DEMOLITION APPLICATION REQUIREMENTS

The following supporting materials from applicants may be requested:

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

1. Form of ownership of the property.
2. Cost of the proposed demolition, an estimate of costs.
3. A report from a licensed engineer in the State of Maryland as to the structural soundness of the structure.
4. An estimate of fair market value of the property to be presented through an appraisal by a qualified professional expert in addition to all appraisals obtained within the previous two years by the owner or applicant in connection with the property.
5. An itemized breakdown from a professional experienced in rehabilitation as to the cost of rehabilitation or reuse of the existing structure.
6. Amount paid for the property, the date of purchase, and the party from whom purchased. Remaining balance of any mortgage or financing of the property and annual debt service for the last two years.
7. If the property is income-producing, the annual gross income from the property for the previous two years; the itemized operating and maintenance expenses for the past two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
8. Price asked and offers received, if any, within the previous two years for the sale of the property, or most recent assessed value of the property and real estate taxes.
9. Proposed new plans for the site.
10. Any other information deemed relevant by the Commission.

~~PROJECTS IMPACTING THE SPECIAL LISTS~~

3.7 DEMOLITION BY NEGLECT

The Commission serves to promote the care and maintenance of designated historic structures in Baltimore City. As such, no property that has been designated by the Commission shall be allowed to deteriorate due to negligence, lack of maintenance or abandonment. The impact of such properties on the quality of life and character of the historic district is substantial. CHAP defines "Demolition by Neglect" as neglect in the maintenance or repair of a structure, resulting in any of the following conditions:

- a. *the deterioration of any architectural feature so as to create or permit the creation of a hazardous or unsafe condition;*
- b. *the deterioration of walls or other vertical supports;*
- c. *the deterioration of roofs or other horizontal members;*
- d. *the deterioration of chimneys;*
- e. *the deterioration or crumbling of plaster or mortar; or*
- f. *the ineffective waterproofing of walls, roofs, and foundations, including broken windows and doors.*

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

Any report of a historically designated property in an advanced state of disrepair shall be made to the CHAP Executive Director. The Executive Director will work with the Department of Housing and Code Enforcement to have the property inspected by a Building Official, verify the conditions in the report, document any other conditions, and issue violations and associated fines. For more information, see [Section 3.10 Enforcement](#).

3.8 ECONOMIC HARDSHIP

An applicant may request additional consideration when the denial of an Application for Authorization to Proceed will result in a substantial economic hardship. If the hardship will result from the denial of an application for demolition, the applicant must follow the [Demolition Procedures in Section 3.6](#) of this chapter. If the hardship will result from the denial of other types of applications, such as window or roof replacement, the applicant must submit the materials listed below for additional consideration by the Commission.

- 1. Form of ownership of the property.*
- 2. Cost of the proposed work that was denied and an estimate of any additional costs that would be incurred to comply with recommendations of the commission for changes necessary for the issuance of an Authorization to Proceed.*
- 3. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any items of financing between the seller and buyer. (Include Settlement Sheet). The remaining balance on any mortgage or other financing secured by property and annual debt service, if any, for the previous two years.*
- 4. Price asked and offers received, if any, within the previous two years. The most recent assessed value of the property and real estate taxes.*
- 5. If the property is income-producing, the annual gross income from the property for the previous two years; the itemized operating and maintenance expenses for the past two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.*

Hardship requests will be heard before the Commission under the process outlined in [Section 3.4 Review Procedures for Major Projects](#). The Commission reserves the right to present the following information to consultants, as needed. Any personal financial information shall not be disclosed to the public. The Commission may request other information specific to the project. The applicant has the right to provide more information regarding the costs (medical, educational, etc) that are regularly incurred or any other information that may be pertinent to their request.

Key:

Existing Text

~~Text to be Deleted~~

New Text

[References](#)

Applicants who request a review under this provision may also be asked to work with staff to determine what financial incentives are available to help the applicant meet the requirements of the Historic Preservation Design Guidelines and alleviate the hardship.

Following the Hearing, an Authorization to Proceed will be issued based on the Commission's decision. Approvals granted based upon Economic Hardship requests do not set a precedent for other work and the determination of Economic Hardship will be well documented in the property file and in the Authorization to Proceed.

3.9 ROLE OF NEIGHBORHOOD ASSOCIATIONS

Neighborhood associations are an important resource within Historical and Architectural Preservation Districts. *Neighborhoods provide an advisory role in the Design Review process, advocate for important projects in their districts, and assist in reporting unpermitted work.* Some neighborhood associations have created architectural review committees (ARCs) that are authorized to act on behalf of the neighborhood association. Not all neighborhood associations have an ARC, and the role and review procedures of ARCs differ from district to district. *CHAP does not regulate or oversee how these committees are formed or conduct business. Contact information for the ARCs is provided to CHAP by the neighborhood associations and is placed on the Application for Authorization to Proceed. Applicants will receive information on the Neighborhood Associations and ARCs for each historic district.*

The role of the neighborhood association is to provide information and insight on proposed projects from the neighborhood perspective. Staff will notify the neighborhood associations and other interested parties, regarding major projects affecting City Landmarks and City-owned buildings. Neighborhood associations play an advisory role in the review process by reviewing applications regarding exterior changes and providing written comments. *Only the Commission and the CHAP staff can approve any applications. It is not necessary for an applicant to obtain approval from the neighborhood association in order to move forward with the CHAP Design Review process.* The neighborhood association should apply the Design Guidelines to applications it reviews. Representatives of the neighborhood association are also encouraged to testify at public hearings.

Neighborhood association comments are an important part of the review of any application. A public hearing on an application will not be scheduled *until CHAP staff has notified unless the applicant can present evidence that it has attempted to inform* the neighborhood association of its project. Comments of the neighborhood association will be considered.

3.10 ENFORCEMENT

Key:

Existing Text

~~Text to be Deleted~~

New Text

References

Property owners who receive an *Authorization Notice* to Proceed are responsible to carry out work in accordance with approved plans. *The enforcement of Article 6 of the Baltimore City Code happens through a partnership with the Department of Housing and Community Development.*

FINES AND OTHER LEGAL ACTIONS

Property owners who undertake work without an *Authorization Notice* to Proceed or carry out work *that does not match the work approved in the Authorization to Proceed at variance* are likely to receive a Stop Work Order and a \$500 civil citation which, if unpaid, would become a lien against the property. In addition to the Stop Work Order and citation, in certain cases a \$1000 surcharge will be added to the permit. If litigation should become necessary, owners may be sued civilly or prosecuted criminally. In criminal cases, maximum penalties include fines of up to \$1,000 a day and up to one year of incarceration.

REPORTING PROCEDURES

Property owners who fail to comply with the *Authorization Notice* to Proceed review process may be reported by calling 311 or reporting online at <http://www.baltimorecity.gov/> (click *311 online* and report the violation under *Construction without a Building Permit*). *The 311 report number and description of the violation observed should be emailed to the CHAP staff. All reports are anonymous. CHAP staff will review the report and notify the Executive Director and Building Inspector of the unapproved work and the appropriate violations and fines shall be issued.*

Key:

Existing Text

~~Text to be Deleted~~

New Text

References